

REMARKS

Claims 22-26, 28-33, 36-45, 47-50, 52-87 and 90-95 are pending. Of these, claims 66-45, 47-73, 91 and 92 have been withdrawn from consideration. Claims 22-26, 28-33, 36-45, 47-50, 52-65, 74-87, 90 and 93-95 are rejected. Claims 22, 31, 39, 42, 66 and 90 have been amended. Claims 70, 74 and 94 have been canceled without prejudice or disclaimer. Reconsideration of the rejection is respectfully requested in view of the following remarks.

Applicants respectfully submit that the instant claim amendments are fully supported by the specification as originally filed. In particular, support for the claimed *lubricant comprising soluble collagen* can be found in, for example, at page 13, lines 19-22 of the specification as originally filed. Support for the claimed *pressure limitation of 100 tons per square inch* can be found in, for example, in the paragraph bridging pages 14 and 15.

Further, Applicants respectfully submit that these after-final amendments are proper because the amendments are submitted in connection with a Request for Continued Examination.

Specification

The Action objected to the amendment to the specification received by the Office on 09/12/2008 under 35 USC 132(a) on grounds that it introduces “new matter” into the specification. The added material that is objected to is the statement, “Regardless of the method of compression, it never involves any rotation of any piston, plate or mold.”

Applicants traverse this position. Applicants respectfully submit that support for this particular language is inherent in the specification as a whole and as originally filed, as there is nothing in the specification that discloses or suggests such rotation of a piston or a mold. Further support for Applicants’ position that the language at issue is inherently present in the application as originally filed comes from the September 9, 2008 Declaration of co-inventor Timothy Ringeisen. However, Applicants are able to patentably distinguish their invention without reliance on such language. Accordingly, and in the interest of expediting prosecution, Applicants have amended the instant specification to remove the language that is objected to.

Thus, this objection should be moot.

Claim Rejections – 35 USC §112

Claims 22-26, 28-33, 38-45, 47-49, 52-53, 61-65, 74-75, 77-79, 94 and 95 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Action asserts that the absence of an upper bound on the applied pressure limitation of independent claims 22 and 42 means that Applicants are not in possession of the invention. Applicants respectfully submit that amendment of claims 22 and 42 renders this rejection moot.

Claims 39 and 66 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully submit that the amendments made to these claims renders this rejection moot.

Claim Rejections – 35 USC §102/103

Claims 22-26, 28-33, 38-45, 47-49, 52-53, 61-65, 74-77, 80-81, 84, 87, 90 and 92-93 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,158,574 to Stone (hereinafter referred to as “Stone”). Claims 22-26, 28-30, 36-48, 52-65, 74-84, 87, 90 and 92-93 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. US2002/0127270 to Li (hereinafter referred to as “Li”). Claims 22-26, 28-33, 36-50, 52-65, 74-87, 90 and 93-94 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stone in view of Li and further in view of U.S. Patent No. 6,428,576 B1 to Haldimann. Applicants respectfully traverse these rejections.

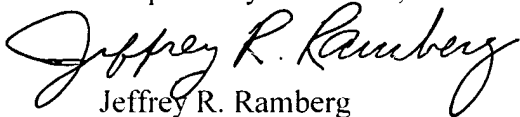
Applicants respectfully submit that none of Stone, Li or Haldimann discloses or suggests the claimed invention. Specifically, none of the cited references, whether taken individually or in permissible combinations, discloses or suggests the claimed implantable device featuring a **lubricant comprising soluble collagen**.

Accordingly, this rejection should be withdrawn, Applicants respectfully submit.

In view of the amendments and the above remarks, Applicants respectfully submit that the instant application is in condition for allowance. Accordingly, Applicants respectfully request issuance of a Notice of Allowance directed to claims 22-26, 28-33, 36-45, 47-50, 52-65, 74-87, 90, 93 and 95.

Should the Examiner deem that any further action on the part of Applicants would be desirable, the Examiner is invited to telephone Applicants’ undersigned representative.

Respectfully submitted,


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